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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,629	08/17/2001	Howard Lee		6309

7590

07/31/2002

Michael J. Colitz, Jr.
217 Harbor View Lane
Largo, FL 33770

EXAMINER

DANGANAN, JONI BALDOS

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,629

Applicant(s)

LEE, HOWARD

Examiner

Joni B. Danganan

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2 and 5 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanson 4,436,005.

Figure 2 of Hanson discloses a flat ended, double cube shaped element comprising a shaft having a handle end (11) and a working end, the shaft having a working inner portion (13) adjacent to the handle and a working outer portion (13a) adjacent to the working end, the working outer portion having a generally cube-shaped configuration of a first smaller size with a flat outermost tip being perpendicular to the shaft, the working inner portion having a generally cube-shaped configuration of a second larger size; and a shaft support (chuck of drill or other torque tool – column 3, lines 15-18) with a recess at one end to receive the handle end (11) of the shaft. Regarding Claim 5, Hanson discloses the shaft having opposed ends with working surfaces (11, 13a) at each end and a central section (13) having a square cross-sectional configuration with each working surface having a flat outermost tip being perpendicular to the shaft.

Allowable Subject Matter

3. Claim 1 is allowed.
4. Claims 3, 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 4-22-02 have been fully considered but they are not persuasive.

Applicant argues that Hanson does not show a tool which could be utilized manually without any power source. It is noted that this feature upon which applicant relies is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Clearly, Hanson recites each and every element of recited Claims 2 and 5.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Figure 3 of Bisbing et al. 4,258,596 discloses a driver having three circular sections (14, 13, 12) of different dimensions wherein the end portion of the driver is flat.

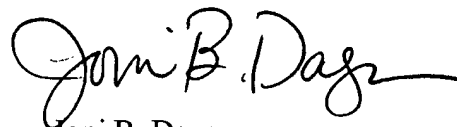
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Fenton 4,380,942 discloses a driver having drive sections of graduating dimensions wherein the end portion of the driver is flat.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joni B. Danganan whose telephone number is 703-305-5930.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-3270 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Joni B. Danganan
Examiner
Art Unit 3723

jbd
July 29, 2002



EILEEN P. MORGAN
PRIMARY EXAMINER